

- 5c (a) 3/13/1682/FP – Conversion of existing building to form 9 No. three bedroom and 3 No. two bedroom houses and creation of associated off – street parking and
(c) 3/13/1683/LB – Conversion of existing building to form 9 No. three bedroom and 3 No. two bedroom houses and creation of associated off – street parking at Central Maltings, New Road, Ware SG12 7BS for Mr M J Warner
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Date of Receipt: (a) 20.09.2013
(c) 20.09.2013

Type: (a) Full – Major
(c) Listed Building
Consent

Parish: WARE

Ward: WARE – CHRISTCHURCH

RECOMMENDATION:

- a) That subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on the 4 February 2014 to cover the following matters:
- The alteration of the existing access onto New Road and the provision of a new footpath adjacent to 14 New Road prior to the first occupation of any of the residential units hereby permitted.
 - Financial Contributions
 - Primary Education of £25,239
 - Secondary Education of £25,455
 - Nursery Education of £3,585
 - Childcare of £1,434
 - Youth of £498
 - Libraries of £2,223
 - Amenity Green Space of £1,626
 - Maintenance of Amenity Green Space of £4,573
 - Amenity Space for children/young people of £1,561
 - Maintenance for Children/ young people of £2,995
 - Recycling Facilities of £864
 - Highways Authority Contribution (First Strand) of £12,735
 - Accessibility Contributions (Second Strand) of £7,500
 - £300 monitoring fee per clause
 - Provision of a fire hydrant

3/13/1682/FP and 3/13/1683/LB

planning permission be **GRANTED** in respect of application 3/13/1682/FP subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Complete Accordance (2E10)
4. Samples of Materials (2E12)
5. No development shall take place until a detailed scheme for the alterations to the site access, including the alteration of the front boundary wall, the provision of a footpath adjacent to the access road, and the treatment of the land adjacent to the access and bollards along the access road has been submitted to and approved in writing by the local planning authority. The approved works shall be carried out prior to the first occupation of any of the units hereby permitted.

Reason: To ensure that the development preserves and enhances the character of the surrounding area and the setting of the nearby listed buildings in accordance with policies BH6, BH12 and ENV1 of the Local Plan and in the interests of highway safety.

6. Lighting Details (2E27)
7. Communal TV facilities (2E32)
8. Contaminated land survey and remediation (2E33)
9. Retention of parking spaces (3V20)
10. Construction parking and storage (3V22)
11. Cycle parking facilities (2E29) add 'in accordance with plan no. 9123/SK/005 L'
12. Landscape works implementation (4P13)
13. Landscape maintenance (4P17)
14. Construction hours of working, plant and machinery (6N07)

3/13/1682/FP and 3/13/1683/LB

Directives:

1. Other Legislation (01OL)
2. Relationship with Listed Building (26LB) (LPA Ref 3/13/1683/LB).
3. Highways Works (05FC)
4. Planning Obligations (08PO)
5. Street Numbering and naming (19SN)

Summary of Reasons for Decision:

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

- b) Where the legal agreement referred to in recommendation (a) is not completed by midday on 4 February 2014, the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:
 1. The proposal fails to make adequate financial provision for infrastructure or access improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1, ENV1, BH6 and TR2 of the East Herts Local Plan Second Review April 2007.
- c) That, in respect of application 3/13/1683/LB, Listed Building Consent be **GRANTED** subject to the following Conditions:
 1. Three year Time Limit (1T14)
 2. Samples of materials (2E12)
 3. Listed Building : New windows (8L03)
 4. Listed Building : New doors (8L04)

3/13/1682/FP and 3/13/1683/LB

5. Listed Building :New brickwork (8L06)
6. Listed Building; New rainwater goods (8L09)
7. Listed Building : Making Good (8L10)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the National Planning Policy Framework. The balance of the considerations having regard to those policies and the previously approved Listed Building Consent ref: 3/08/1784/LB is that Listed Building Consent should be granted.

_____ (168213FP.SD)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract and is situated on the eastern side of New Road to the rear of an area of EHDC resident's car parking. It forms one of a range of three listed former Maltings buildings situated within the Ware Conservation Area.
- 1.2 To the north of the site is the North Maltings building, currently being converted to 12 residential units and which is nearing completion. Beyond that is Christ Church a Grade II listed Church and Christ Church primary School. To the east is a local Health Centre and residential properties, and to the south is a further Maltings building, comprising the Ware Arts centre and bar/function centre 'Waggers' which backs onto the Kibes lane public car park.
- 1.3 The building the subject of this application is a Grade II listed three storey building of brick and timber construction. Its previous authorised use was for light industrial purposes, most recently used as a car repair centre with a small discount shop to the rear of the premises. The interior space is divided into a large middle section of brick, flanked by a timber framed weatherboard section at first floor level to the west. The middle section is divided by pilasters into bays pierced by windows on three short floors. The property is currently vacant. Access to the site is from New Road, with a historic brick wall fronting the site to the north of the access.
- 1.4 Existing car parking provision and garages occupy areas to the rear (east) of the site and in front of the malting building (on its west side) providing space for approximately 15 cars in total with a cycle store.
- 1.5 The submitted scheme seeks permission for the conversion of the

3/13/1682/FP and 3/13/1683/LB

building to 12 dwellings, 9 three bedroom units and 3 two bedroom units. Eleven of the units would have a home office facility on the second floor within the roof space. The ground floor would provide bedroom accommodation for eight units with the lounge and kitchen areas at first floor. The eastern and western end units 1, 2, 11, and 12 would have bedrooms on the first floor.

- 1.6 There is no private amenity space directly provided for the residential units and no soft landscaped areas within the site. An open courtyard at the eastern end of the site would provide eight allocated parking spaces and a cycle store. To the west of the building is allocated parking for seven spaces and refuse storage.
- 1.7 The proposed plans indicate that the existing access onto New Road will be reformed, although no detailed plans are submitted with the proposals.

2.0 Site History:

- 2.1 The building was built in the early 19th century as a range of three Maltings buildings. The site has an established use for light industrial purposes, the building being sub-divided into several units.
- 2.2 Planning permission and listed building consent were sought in 2008, under references 3/08/1783/FP and 3/08/1784/LB, for the conversion of the existing building to form 9 no. three bedroom and 3 no. two bedroom houses and the creation of associated off street parking with revised vehicular access.
- 2.3 The proposals were presented to the 1 July 2009 committee where it was resolved that, subject to the completion of a Section 106 agreement, planning permission and listed building consent could be granted. As well as financial contributions, the legal agreement was to secure improvement to the access arrangements to New Road. The legal agreement was subsequently signed on 10 February 2010 and the planning permission and listed building consent issued accordingly.
- 2.4 Members may also recall that further applications for planning permission and Listed Building Consent (ref: 3/10/1466/FP and 3/10/1467/LB) were submitted and approved at committee on the 17th November 2010. These permissions have all since lapsed.
- 2.5 The current proposals are essentially a re-submission of the 2010 proposals.

3/13/1682/FP and 3/13/1683/LB

3.0 Consultation Responses:

- 3.1 The Ancient Monuments Society comments that there is no change to the number of units or the numbers of apertures although there is one change to unit 12 where the eastern door has been changed to a window. There is minimal change to the majority of units apart from Units 11 and 12 where a change in orientation of these units, east to west retains the central timber stud wall as recommended in previous responses. Likewise units 1 and 2 have similarly been orientated to retain the central dividing wall.
- 3.2 Other historic details such as the cast iron column in Unit 1 and the vertical ladder indentations in Unit 3, as well as the walls in Unit 1 and 2 with the timber marks for Unit 2 are retained as original features. It is pleasing to note that the proposed design enables original and historic features to be incorporated into the conversion layout. The problem remains of the arrangements for access to so many units (12) where a less dense conversion would present fewer problems. It was noted on the previous application that a condition was attached to address this and it is recommended that this condition should still apply, and that any cobbles/ setts/flags are included so that the original setting is retained.
- 3.3 They further comment that the group of three maltings is an important feature in Ware's townscape and malting history, and it is good that the interior features are retained but it is essential that the exterior setting of this Malting is not compromised so that all three maltings retain their character.
- 3.4 The Conservation Officer comments that the present application proposal is broadly similar in form to the 2010 proposal for conversion to 12 residential units and with no interim changes to listed building legislation since 2010 there are no reasons to justify a refusal. There is, however, opportunity for an improved landscaping scheme to be provided to the front of the site and in particular the relationship between the internal layout and windows at first floor, wherein the provision of natural light to some of the units is limited to a small window opening. The proposal would not conflict with current heritage legislation and advice, although the landscaping to the front of the site and some windows at first floor may need further consideration.
- 3.5 Affinity Water comment that the site is located within the Groundwater Source Protection Zone (SPZ) of Musley Lane pumping Station and as such all construction works should be carried out in accordance with relevant British Standards and Best Management Practices thereby significantly reducing groundwater pollution risks.

3/13/1682/FP and 3/13/1683/LB

- 3.6 The Environment Agency initially recommended refusal of the proposed application due to insufficient information provided to demonstrate that the risk of pollution to groundwater is acceptable. Further to the applicant's submission of a Phase I Desk Study and Preliminary Risk Assessment carried out by GBCard on the 27th November 2013, the Environment Agency have removed their objection and recommend conditions to be attached to any planning permission granted.
- 3.7 The County Planning Obligations Officer identifies that financial contributions are required to minimise the impact of the development on County Council Services in respect of Primary Education (£25,329), Secondary Education (£25,455), Nursery Education (£3,585), Childcare (£1,434), Youth (£498) Libraries (£2,223) and the provisions of a Fire hydrant on site.
- 3.8 County Highways do not wish to restrict the grant of permission subject to conditions regarding the surfacing of all vehicular areas; provision of facilities for secure cycle storage; construction parking and storage; management of construction vehicles to ensure that mud and debris is not displaced onto the public highway and the inclusion of a condition regarding details of the pedestrian and vehicular access improvements to the site.
- 3.9 Financial contributions are also sought under the HCC's Obligations toolkit which requires a financial contribution of £12,735 towards (First Strand) Highway Infrastructure. Accessibility contributions are also required under East Herts Council SPD based upon a calculation of £500 per parking space. The site provides 15 car parking spaces therefore a contribution of £7,500 is required.
- 3.10 The Council's Housing Development Unit comment verbally that the number of units provided falls below the threshold where the Council can require affordable housing.
- 3.11 The County Archaeologist does not object to the proposal subject to a condition requiring the implementation of a programme of archaeological work.
- 3.12 English Heritage comments that the application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 3.13 Herts Ecology (formerly Herts Biological Records Centre) comments that a bat survey was carried out on 3rd September 2013 and no presence of bats was recorded and the building was noted as lacking

3/13/1682/FP and 3/13/1683/LB

potential roosting sites. They therefore conclude that there are no known ecological constraints regarding the proposed development and the application can be determined accordingly.

4.0 Town Council Representations:

4.1 Ware Town Council does not object to the application proposal but expresses concern regarding the parking and the access.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of representation has been received in support of the application proposed from the Ware Arts Centre, who hope that the proposal will be implemented in the near future.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- SD1: Making Development More Sustainable
- HSG3: Affordable Housing
- HSG6: Lifetime Homes
- EDE2: Loss of Employment Sites
- TR7: Car Parking Standards
- TR14: Cycling facilities
- ENV1: Design and Environmental Quality
- ENV2: Landscaping
- BH6: New Developments in Conservation Areas
- IMP1: Planning Obligations

6.2 The National Planning Policy Framework (NPPF) is also a material consideration of significant weight in this case.

7.0 Considerations:

7.1 The determining issues in this case relate to (a) the justification for the loss of the employment provision on the site, (b) the form, layout, design and sustainability of the scheme and its impact on both the Listed Building itself and the character and appearance of the Conservation Area, c) parking and access issues and d) any necessary financial

3/13/1682/FP and 3/13/1683/LB

contributions required to mitigate the impact of the development on local services and infrastructure.

- 7.2 In view of the earlier permissions for residential conversion at this site, it is appropriate to concentrate on changes to the proposals that have been made subsequent to the previous approval and their impact on the scheme.

Loss of Employment Use

- 7.3 This matter was considered previously in both 2008 and 2010 when it was determined that the retention of the premises for employment purposes would not be the most appropriate use of the site, given its poor access, and that a residential conversion would better preserve the historic fabric of the building. The principle of residential conversion has therefore already been accepted in this case and there have been no changes in policy or site circumstances since 2010 that would alter that view.

Design, layout and sustainability issues

- 7.4 Again, these issues were considered as part of the previous applications to convert the building to a residential use and the current applications propose much the same scheme as previously. Officers consider, therefore that the layout and detailed design of the proposed scheme remains acceptable.
- 7.5 The new national planning policy guidance within the NPPF has also been taken into account, and officers consider that this supports the proposed development in this sustainable town centre location.
- 7.6 In their previous form, as regards the 2008 approval (ref 3/08/1783/FP and 3/08/1784/LB) the proposals established a detailed treatment of the land to the west end of the site, adjacent to the access road. This met the aspiration for access improvements to the site and also played an important part in opening up views into the site, improving and enhancing its impact in the Conservation Area and enabling the provision of an element of landscaping. Whilst those details were not shown in the 2010 applications and are not included in the current applications, the land on which they were to be implemented remains part of the application site. Officers consider it necessary and appropriate therefore to require the implementation of a scheme for the alteration of the existing access, the provision of a footpath and the treatment of the land adjacent to the access road. It would be expected that this would follow the details approved under the 2008 application

3/13/1682/FP and 3/13/1683/LB

which involved the demolition and partial rebuilding of part of the historic wall to the access. This would then be rebuilt at a lower height, 600mm, to improve visibility at the junction.

- 7.7 Officers also expect the detailed scheme, which is required under condition 5, to provide for the landscaping of the area adjacent to the access, at the front of the site in order to positively enhance the setting of the listed malting and frame the approach into the site.

Parking Provision and Access

- 7.8 The proposal provides for 15 allocated spaces although there is potential for two additional spaces to be provided within the area at the front of the site, adjacent to the highway (subject to satisfactory details being provided in accordance with condition 5). Officers are satisfied that these spaces can be satisfactorily provided and, indeed, they were shown on the detailed scheme approved under reference 3/08/1783/FP.
- 7.9 The treatment to the frontage area, approved in 2008, included the reduction in height and alteration of the frontage wall (to improve visibility and open up views into the site), the relocation of the vehicular carriageway to enable the provision of a footway to its southern side (a safety improvement), the implementation of hard and soft landscaping (to improve the character and appearance of this frontage area) and the provision of two visitor parking spaces (as indicated above). These works were required to be carried out both by the legal agreement and a condition of the permission.
- 7.10 The current application is similar to the 2010 approvals in that the detailed design of this area of the frontage has been omitted. However, Officers consider that the improvements to the access are an essential element of the scheme and therefore it is recommended that a condition be imposed to ensure that no development can be carried out on site until those details are submitted and agreed by the Council. The approved access arrangements would then have to be carried out prior to the first occupation of any of the units. Condition 5 and the legal agreement cover these matters in a similar way to the previous scheme approved in 2010.
- 7.11 In terms of parking provision then, the scheme remains as proposed in 2010, with 15 allocated car parking spaces and the potential for 17.
- 7.12 Policy TR7 of the Local Plan identifies that the maximum provision for the 12 units required under the Local Plan standards for 2 and 3 bedroom units would be respectively 1.50 spaces and 2.25 spaces

3/13/1682/FP and 3/13/1683/LB

equating to 25 spaces overall.

- 7.13 However, in applying the zonal approach adopted by the Council, the site is located within Zone 3, where 50%-75% of unfettered demand regarding parking provision is appropriate and this equates to a provision of between 12.5 and 18.75 spaces.
- 7.14 The provision of 15 (or 17) spaces, is therefore comfortably within this range.

Flood matters

- 7.15 The initial consultation with the Environment Agency resulted in an objection to the proposed development of the Central Maltings due to the insufficient information to demonstrate that the risk of pollution to ground water was acceptable based upon the previous use of the building and the likelihood of ground contamination being present.
- 7.16 Subsequently, the applicants have submitted further details to address these matters in negotiation with the Environment Agency and they have removed their objection subject to the addition of conditions.

Planning Obligations

- 7.17 The number of units proposed (12) falls below the threshold for the provision of affordable housing as regards the provisions of policy HSG3.
- 7.18 Policy IMP1 requires that, as part of a development scheme, developers will be required to make appropriate provision and mitigation for the impact of the development on the infrastructure of the locality.
- 7.19 The applicants have expressed agreement to entering into a Section 106 agreement in respect of HCC contributions towards sustainable transport measures, Nursery, Primary and Secondary Education, Youth and Library facilities and in respect of the relevant East Herts contributions regarding amenity green space, amenity space for children/ youth, recycling facilities and accessibility contributions.

8.0 Conclusion:

- 8.1 In summary, Officers consider that the proposed scheme, which is essentially a renewal of the 2010 approvals, will result in a redevelopment of the site that provides a high standard of design and internal layout; that would relate well to, and preserve the architectural

3/13/1682/FP and 3/13/1683/LB

details, setting and historic character and appearance of the Listed Building and the surrounding built environment of the Conservation Area subject to the conditions as set out above. This would include a condition requiring details of the improved highway access arrangements, pedestrian footway and frontage landscaping.

- 8.2 Accordingly, it is recommended that planning permission and Listed Building Consent be granted, subject to the conditions suggested at the head of this report, and to the necessary Section 106 agreement.